

**AMENDMENT TO THE DRAWINGS**

The two (2) attached sheets of replacement drawings include changes to Figure 3 and to Figure 7A. In particular, the changes to Figures 3 and 7A include a reference numeral change so that reference numeral “309” is now shown and an addition of reference numeral “800” so that a single-use medication dispenser is indicated.

Attachment: Two (2) Replacement Sheets

**REMARKS**

The Office Action dated November 15, 2007, and the patents and publications relied on therein have been carefully reviewed, and in view of the above changes and following remarks reconsideration and allowance of all the claims pending in the application are respectfully requested.

Claims 1-41 stand rejected and claims 42 and 43 stand withdrawn from consideration. By this Amendment, claims 1, 17, 20 and 37 have been amended and new claim 44 has been added. A replacement drawing sheet for Figure 3 and a replacement drawing sheet for Figure 7A have been submitted concurrently with this Amendment.

Applicant respectfully submits that no additional claim fee is needed for new claim 44 as a fee for total of 24 claims in excess of 20 claims was paid when the present patent application was filed, even though only 23 claims in excess of 20 claims were actually present at the time of filing. More specifically, the highest-numbered claim when the present patent application was filed was claim 44 and a fee for 24 claims in excess of 20 claims was paid. Subsequently, it was learned that claim 36 was inadvertently omitted, and originally numbered claims 37-44 were renumbered as claims 36-43 at the Examiner's direction. (See Restriction Requirement dated June 26, 2007.) Thus, the present patent application included only a total of 23 claims in excess of 20 claims when filed, although Applicant paid a fee for a 24<sup>th</sup> claim in excess of 20 claims. Accordingly, new claim 44 has been submitted with this Amendment that takes the place of the 24<sup>th</sup> claim in excess of 20 claims that has been previously paid for.

Thus, claims 1-41 and 44 are pending, and claims 42 and 43 stand withdrawn from consideration.

**Amendments To The Claims**

Applicant has amended claim 1 to better distinguish claim 1 over the applied art of Canadian Patent Application 2,279,597 to Thorn and U.S. Patent Application Publication No. 2002/0116768 A1 to Grassi. More specifically, claim 1 has been amended so that the claimed solid shaft portion now further comprises a length and a width, such that the claimed second end of the solid shaft portion is capable of being detachably coupled to a tip portion, such that the claimed length is between the first and the second end, such that the width is substantially perpendicular to the length, and such that the solid shaft portion is formed from a single material

substantially along the width. Support for this amendment can be found throughout the specification, for example, at least in paragraphs [27] and [34] of the originally filed patent application and Figures 2A-2C and 6A-6C.

Claim 37 has been amended to require that the claimed second end of the shaft portion is capable of being detachably coupled to a tip portion. Support for this amendment can be found throughout the specification, for example, at least in paragraphs [27] and [34] of the originally filed patent application and Figures 2A-2C and 6A-6C.

Additionally, Applicant has amended claims 17 and 20 for consistency with amended claim 1, and has amended claim 37 to generally improve its form in accordance with U.S. patent law. Claim 37, in particular, has been amended to replace the word “comprises” that was previously appearing at line 3 with the word “comprising” and by deleting the word “solid” that was previously appearing at line 4. Because these amendments to claims 17, 20 and 37 are directed to formal matters, are not in response to prior art, and do not narrow the scope of the amended claim, no prosecution-history estoppel results from these amendments.

### **The Objection To The Drawings**

The drawings stand objected to under 37 C.F.R. § 1.83(a) as failing to show plastic bags 309 and single-use medication dispenser 800 as described in the specification. Additionally, the drawings stand objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character “319” has been used to designate both the concave reflecting surface and the element labeled “319” on the lower portion of Figure 3.

Applicant has submitted herewith a replacement drawing sheet for Figure 3 and a replacement drawing sheet for Figure 7A. In particular, the changes to Figures 3 and 7A include a reference numeral change so that reference numeral “309” is now shown and an addition of reference numeral “800” so that a single-use medication dispenser is indicated.

Consequently, Applicant respectfully requests that the Examiner withdraw this objection.

### **The Objection To The Disclosure**

The disclosure stands objected to because the reference character 602 is assigned to designate both the “lower portion” of trekking staff 600 and the chamber located in 601.

Applicant has amended paragraph [34] of the originally filed patent application so that the reference character 602 refers only to the chamber located in 601. Additionally, paragraph [34] has been amended so that the terminology that is used for describing the second exemplary embodiment of a trekking staff 600 is consistent with the terminology that is used for describing the first exemplary embodiment of a trekking staff 100. In particular, Figures 6A and 6B are now disclosed as respectively depicting an upper section and a lower section of an exemplary bottom portion 601 of a second exemplary embodiment of a trekking staff 600. Further, paragraph [21] has been amended for consistency with the amendments to paragraph [34].

Consequently, Applicant respectfully requests that the Examiner withdraw this objection.

**The Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 37-41 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

Claim 37 has been amended to improve its form in accordance with U.S. patent law. In particular, the term “solid” has been deleted from the phrase “the solid shaft portion” that was previously appearing in lines 4-5 of claim 37.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection.

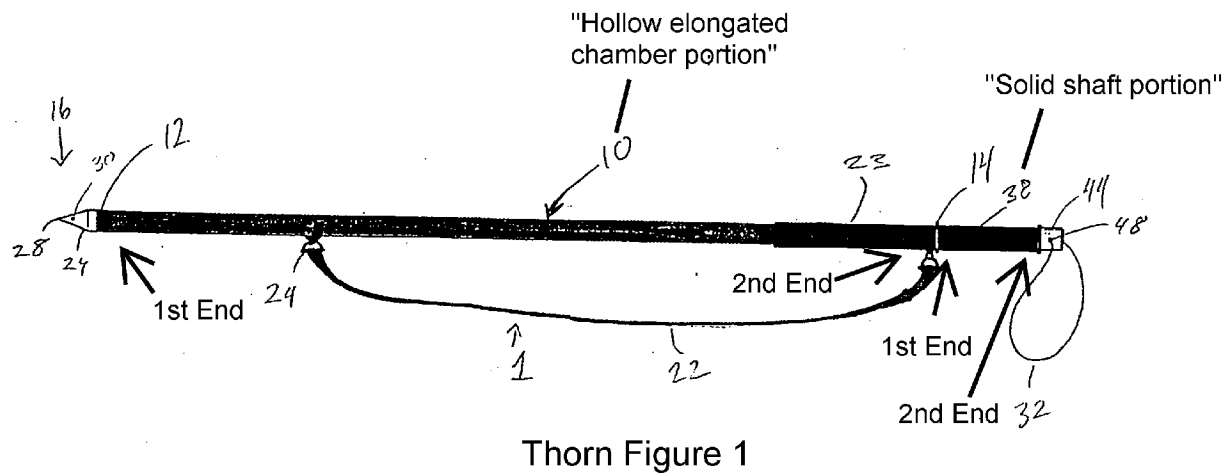
**The Rejection Under 35 U.S.C. § 102(b) Over Thorn**

Claims 1, 6, 7, 12, 17, 18, 20, 23 and 28 stand rejected under 35 U.S.C. § 102(b) as anticipated by Thorn, Canadian Patent Application 2,279,597.

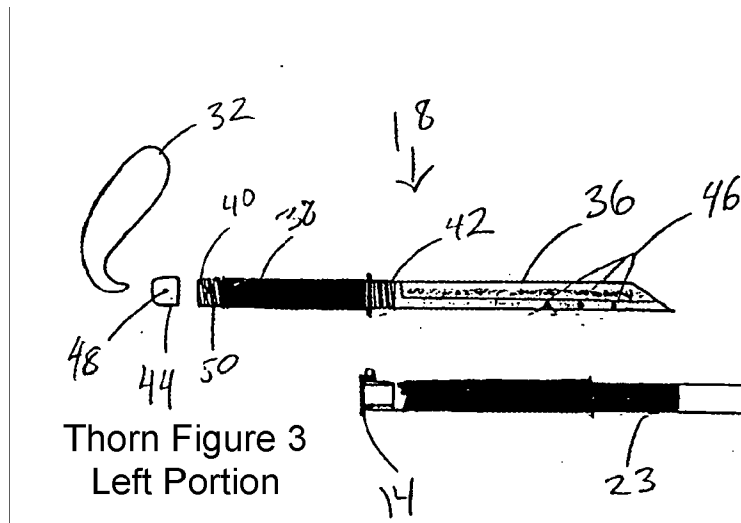
Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 1, 6, 7, 12, 17, 18, 20, 23 and 28 is not anticipated by Thorn. Further, Applicant respectfully submits that the subject matter according to any of claims 1, 6, 7, 12, 17, 18, 20, 23 and 28 is patentable over Thorn.

Regarding amended claim 1, Applicant respectfully submits that Thorn does not disclose a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion. To illustrate this, Figure 1 of Thorn is set forth below with notations corresponding to the Examiner’s assertions as to what portions of Thorn purportedly correspond to the subject matter of claim 1. The Examiner asserts that the claimed “solid shaft

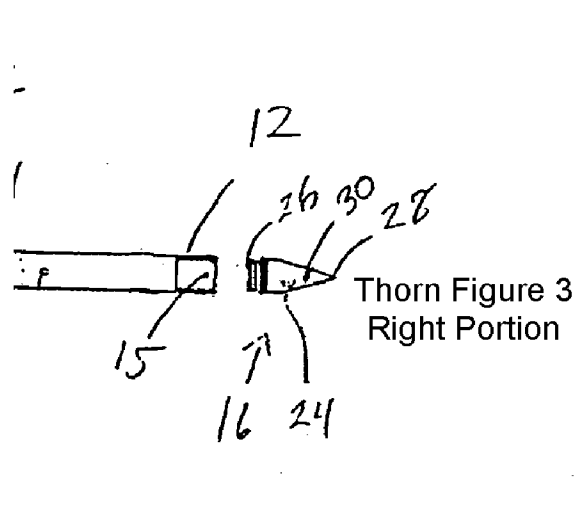
portion” corresponds to handle 38 of Thorn knife 18. (See Office Action dated November 15, 2007, page 4, lines 18-19, and Thorn, page 4, lines 15-16.) The Examiner also asserts that the “second end” of the “solid shaft portion” is “the end on which cap 44 is located”. (See Office Action dated November 15, 2007, page 4, lines 19-20.)



Thorn discloses that the end of knife handle 38 on which cap 44 is located includes a terminal threaded portion 40. (See Thorn, page 4, lines 15-16, and Thorn Figure 3.) Figure 3 of Thorn shows that terminal threaded portion 40 comprises threads on an external surface of terminal threaded portion 40. Thorn further states that “cap 44 is fitted over the terminal threaded portion 40 of knife 18.” (See Thorn, page 5, lines 13-14, underlining added.) The left portion of Figure 3 of Thorn is reproduced below depicting threads on an external surface of terminal threaded portion 40. Thus, in order for cap 44 to fit over terminal threaded portion 40, cap 44 must have threads on the inside of cap 44 that correspond to the threads on the external surface of terminal threaded portion 40.



Thorn further discloses a ground engaging member 16 that is “screwed into the threaded end 12 of the shaft 10 or inserted into the threaded open end 14 of the shaft 10.” (See Thorn, page 4, lines 12-14.) The right portion of Figure 3 of Thorn is reproduced below showing that ground engaging member 16 comprises threads on an external surface, which are similar to the threads on the external surface of terminal threaded portion 40 (i.e., the Examiner’s asserted “second end” of the “solid shaft portion”).



Accordingly, if the “second end” of Thorn knife handle 38 comprises threads that are on the external surface of terminal threaded portion 40, then the “second end” of Thorn knife handle 38 is plainly not capable of being detachably coupled to ground engaging member 16 because ground engaging member 16 comprises threads on an external surface, which are similar to the threads on the external surface of terminal threaded portion 40.

Thus, amended claim 1 is not anticipated by Thorn. Further, Thorn does not suggest that ground engaging member 16 could be configured to have threads in an internal configuration (which would be similar to the threads on the inside of cap 44 and would correspond to the threads on the external surface of terminal threaded portion 40), so that the “second end” of Thorn knife handle 38 would be capable of being detachably coupled to ground engaging member 16.

Thus, amended claim 1 is patentable over Thorn. It follows that claims 6, 7, 12, 17, 18, 20, 23 and 28, which incorporate the limitations of amended claim 1, are each allowable over Thorn for at least the same reason that amended claim 1 is considered allowable over Thorn.

Claim 17 is allowable over Thorn for the additional reason that Thorn does not disclose or suggest the claimed tip portion that is detachably coupled to the second end of the claimed solid shaft portion. As demonstrated above, Thorn does not disclose or suggest that the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion. For the same reasons, it follows that Thorn cannot disclose or suggest the claimed tip portion that is detachably coupled to the second end of the claimed solid shaft portion.

Claim 18, which incorporates the limitations of claim 17, is allowable over Thorn for the same reasons that claim 17 is considered allowable over Thorn.

Claim 20 is allowable over Thorn for the additional reason that Thorn does not disclose or suggest the claimed tip portion that is detachably coupled to the second end of the claimed solid shaft portion. As demonstrated above, Thorn does not disclose or suggest that the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion. For the same reason, it follows that Thorn cannot disclose or suggest the claimed tip portion that is detachably coupled to the second end of the claimed solid shaft portion.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claim 20.

#### **The Rejection Under 35 U.S.C. § 102(b) Over Grassi**

Claims 1, 6, 7, 12, 17, 18, 23 and 28 stand rejected under 35 U.S.C. § 102(b) as anticipated by Grassi, U.S. Patent Application Publication No. 2002/0116768 A1.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 1, 6, 7, 12, 17, 18, 23 and 28 is not anticipated by

Grassi. Further, Applicant respectfully submits that the subject matter according to any of claims 1, 6, 7, 12, 17, 18, 23 and 28 is patentable over Grassi.

Regarding amended claim 1, Applicant respectfully submits that Grassi does not disclose a trekking staff comprising a shaft portion comprising a length and a width, such that the length is between the first and the second end, the width is substantially perpendicular to the length, and such that at least a portion of the shaft portion is formed from a single material substantially along the width. The Examiner asserts that flare section 46 of Grassi corresponds to the claimed solid shaft portion of amended claim 1. Regarding flare section 46, Figure 9C of Thorn shows a 90-minute flare by depicting flare section 46 having hidden lines indicating that flare section 46 is formed from two portions, that is, with one portion inside the other portion. Moreover, Grassi discloses that flare section 46 is formed from two portions by disclosing “a flare section for storing a flare therein” (see Grassi, page 3, left column, lines 11-12, and right column, lines 48-49, underlining added), and by disclosing “the flare section for storing a flare therein holds ...” (see Grassi, page 3, left column, lines 20-21, and right column, lines 57-58, underlining added). Thus, based on the disclosure by Grassi, a flare is held within the flare section 46 implying that flare section 46 is formed from at least two materials substantially along the width of flare section 46.

Accordingly, Grassi does not disclose a trekking staff in which the claimed solid shaft portion is formed from a single material substantially along the claimed width of the solid shaft portion. Moreover, Grassi does not suggest a trekking staff in which the claimed solid shaft portion is formed from a single material substantially along the claimed width of the solid shaft portion. Applicant respectfully submits that Grassi is silent in this regard.

Thus, amended claim 1 is allowable over Grassi. It follows that claims 6, 7, 12, 17, 18, 23 and 28, which incorporate the limitations of amended claim 1, are each allowable over Grassi for at least the same reasons that amended claim 1 is considered allowable over Grassi.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 1, 6, 7, 12, 17, 18, 23 and 28 in view of the withdrawal of this rejection and the withdrawal of the rejection based solely on Thorn above.



**The Rejection Under 35 U.S.C. § 102(b) Over Davis**

Claim 38 stands rejected under 35 U.S.C. § 102(e) as anticipated by Davis, U.S. Patent No. 6,745, 786 B1.

Applicant respectfully notes that this rejection appears to actually be a rejection of claim 37, in view of the renumbering of the claims as set forth in the Restriction Requirement dated June 26, 2007. As such, Applicant's remarks in response to this rejection will identify the claim that is rejected as anticipated by Davis as claim 37.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to amended claim 37 is not anticipated by Davis. Further, Applicant respectfully submits that the subject matter according to amended claim 37 is patentable over Davis.

Applicant respectfully submits that Davis does not disclose a trekking staff in which the second end of the claimed shaft portion capable of being detachably coupled to a tip portion. The Examiner asserts that Davis hand grip 26 corresponds to the claimed shaft portion, such that the claimed first end is coupled to shaft 20 and the second end is the end having element 42 attached thereto. (See Office Action dated November 15, 2007, page 5, lines 19-21.) Davis does not disclose that the end of hand grip 26 having element 42 attached thereto is capable of being detachably coupled to a tip portion, such as tip 24. Moreover, Davis does not suggest that the end of hand grip 26 having element 42 attached thereto is capable of being detachably coupled to a tip portion, such as tip 24.

Thus, amended claim 37 is allowable over Davis.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn In View of Morosini**

Claims 2-5 and 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn in view of Morosini et al. (Morosini), U.S. Patent No. 6,772,778 B2.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 2-5 and 22 is patentable over Thorn in view of Morosini. Applicant respectfully submits that Morosini does not cure the deficiencies of Thorn with respect to amended claim 1, the base claim of each of claims 2-5 and 22. In particular,

Morosini does not disclose or suggest a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion.

Thus, claims 2-5 and 22 are allowable over Thorn in view of Morosini.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 2-5 and 22.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn In View of Folise**

Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn in view of Folise, U.S. Patent No. D448,152 S.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 8-11 is patentable over Thorn in view of Folise. Applicant respectfully submits that Folise does not cure the deficiencies of Thorn with respect to amended claim 1, the base claim of each of claims 8-11. In particular, Folise does not disclose or suggest a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion.

Thus, claims 8-11 are allowable over Thorn in view of Folise.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 8-11.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn In View of Own**

Claims 13-16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn in view of Own, U.S. Patent No. 5,667,293

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 13-16 is patentable over Thorn in view of Own. Applicant respectfully submits that Own does not cure the deficiencies of Thorn with respect to amended claim 1, the base claim of each of claims 13-16. In particular, Own does not disclose or suggest a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion.

Thus, claims 13-16 are allowable over Thorn in view of Own.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 15 and 16 in view of the withdrawal of this rejection.

**The Rejection Under 35 U.S.C. § 103(a) Over Grassi In View of Own**

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Grassi in view of Own.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to either of claims 13 and 14 is patentable over Grassi in view of Own. Applicant respectfully submits that Own does not cure the deficiencies of Grassi with respect to amended claim 1, the base claim of each of claims 13 and 14. In particular, Own does not disclose or suggest does not disclose a trekking staff comprising a shaft portion comprising a length and a width, such that the length is between the first and the second end, the width is substantially perpendicular to the length, at least a portion of the shaft portion is formed from a single material substantially along the width.

Thus, claims 13 and 14 are allowable over Grassi in view of Own.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 13 and 14 in view of the withdrawal of this rejection and withdrawal of the rejection based on Thorn in view of Own above.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn**

Claim 19 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn.

Applicant respectfully traverses this rejection. Applicant respectfully submits that claim 19 is patentable over Thorn at least because (1) Thorn does not disclose the subject matter of amended claim 1, the base claim of claim 19, as demonstrated above, and (2) Thorn does not disclose or suggest the subject matter of claim 17, an intervening claim of claim 19, as demonstrated above. Moreover, Applicant respectfully submits that the Examiner's assertion that it is well within the skill level of one with ordinary skill to change the shape of the tip so the tip portion can be used on different terrains does not cure the deficiencies of Thorn with respect to claim 1 and claim 19, respectively the base and intervening claims, of claim 19.

Thus, claim 19 is allowable over Thorn.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claim 19.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn In View of Harper**

Claims 24-27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn in view of Harper, U.S. Patent No. 7,163,101 B2.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 24-27 is patentable over Thorn in view of Harper. Applicant respectfully submits that Harper does not cure the deficiencies of Thorn with respect to amended claim 1, the base claim of each of claims 24-27. In particular, Harper does not disclose or suggest a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion.

Thus, claims 24-27 are allowable over Thorn in view of Harper.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 24-27.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn In View of Kelley**

Claim 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn in view of Kelley, U.S. Patent Application Publication No. 2002/0104560 A1.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to claim 21 is patentable over Thorn in view of Kelley. Applicant respectfully submits that Kelley does not cure the deficiencies of Thorn with respect to amended claim 1, the base claim of claim 21. In particular, Kelley does not disclose or suggest a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion.

Thus, claim 21 is allowable over Thorn in view of Kelly.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claim 21.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn In View of Ellis**

Claims 29-35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn in view of Ellis, U.S. Patent No. 5,973,618.

Applicant respectfully traverses this rejection. Applicant respectfully submits that the subject matter according to any of claims 29-35 is patentable over Thorn in view of Ellis.

Applicant respectfully submits that Ellis does not cure the deficiencies of Thorn with respect to amended claim 1, the base claim of each of claims 29-35. In particular, Ellis does not disclose or suggest a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion.

Thus, claims 29-35 are allowable over Thorn in view of Ellis.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 29-35.

**The Rejection Under 35 U.S.C. § 103(a) Over Thorn In View of Davis**

Claims 36-41 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Thorn in view of Davis.

Applicant respectfully traverses this rejection. Regarding claim 36, Applicant respectfully submits that Davis does not cure the deficiencies of Thorn with respect to amended claim 1, the base claim of claim 36. In particular, Davis does not disclose or suggest a trekking staff in which the second end of the claimed solid shaft portion is capable of being detachably coupled to a tip portion, as demonstrated above. Thus, claim 36 is allowable over Thorn in view of Davis.

Regarding amended claim 37, Applicant respectfully submits that neither Thorn nor Davis disclose or suggest a trekking staff in which the second end of the claimed shaft portion capable of being detachably coupled to a tip portion, as demonstrated above in connection with the rejection of amended claim 1 over Thorn and in connection with the rejection of amended claim 37 over Davis.

Thus, amended claim 37 is allowable over Thorn in view of Davis. It follows that claims 38-41, which incorporate the limitations of amended claim 37, are each allowable over Thorn in view of Davis for at least the same reasons that amended claim 37 is considered allowable.

Consequently, Applicant respectfully requests that the Examiner withdraw this rejection and allow claims 36-41.

**Newly Added Claims**

Applicant respectfully requests that the Examiner enter new claim 44. Applicant respectfully submits that no additional claim fee is needed for new claim 44 as a fee for total of 24 claims in excess of 20 claims was paid when the present patent application was filed, even though only 23 claims in excess of 20 claims were actually present at the time of filing. More specifically, the highest-numbered claim when the present patent application was filed was claim 44 and a fee for 24 claims in excess of 20 claims was paid. Subsequently, it was learned that claim 36 was inadvertently omitted, and originally numbered claims 37-44 were renumbered as claims 36-43 at the Examiner's direction. (See Restriction Requirement dated June 26, 2007.) Thus, the present patent application included only a total of 23 claims in excess of 20 claims when filed, although Applicant paid a fee for a 24<sup>th</sup> claim in excess of 20 claims. Accordingly, new claim 44 has been submitted with this Amendment that takes the place of the 24<sup>th</sup> claim in excess of 20 claims that has been previously paid for.

Support for new claim 44 can be found in throughout the specification, for example, at least at in paragraphs [27] and [34] of the originally filed patent application and Figures 2A-2C and 6A-6C.

Applicant respectfully submits that new claim 44 is allowable over the applied art for at least the same reasons that amended claim 37, the base claim of new claim 44 is considered allowable.

Consequently, Applicant respectfully requests that the Examiner allow new claim 44.

Applicant notes that additional patentable distinctions between Thorn, Grassi, Davis, Morosini, Folise, Own, Harper, Kelley and Ellis and the rejected claims exist; however, the foregoing is believed sufficient to address the Examiner's rejections. Additionally, failure of Applicant to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Applicant does not agree.

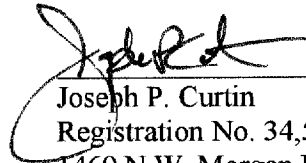
**CONCLUSION**

In view of the above amendments and arguments, it is urged that the present application is now in condition for allowance. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

It is requested that this application be passed to issue with claims 1-41 and 44.

Respectfully submitted,

Date: February 7, 2008

  
\_\_\_\_\_  
Joseph P. Curtin  
Registration No. 34,571  
1469 N.W. Morgan Lane  
Portland, OR 97229-5291  
(503) 296-8373  
(503) 297-0452 (facsimile)